

SENATE BILL No. 258

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-13-9.

Synopsis: Discharge of long term inmates. Requires the department of correction to provide for an automatic, one time review of a long term inmate's sentence to determine whether the inmate has been rehabilitated and has suitable plans that would warrant discharge from custody.

Effective: July 1, 2008.

Waterman

January 10, 2008, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 258

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 11-13-9 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]:

4 **Chapter 9. Rehabilitation Based Discharge for Long Term**
5 **Inmates**

6 **Sec. 1. This chapter does not apply to either of the following:**

7 (1) An inmate who receives a sentence of death under
8 IC 35-50-2.

9 (2) A sexually violent predator (as defined in IC 35-38-1-7.5).

10 **Sec. 2. Notwithstanding any other law, as soon as practicable**
11 **after an inmate has been confined to the custody of the department**
12 **for twenty-five (25) consecutive years, the department shall**
13 **provide for an automatic, one (1) time review of the inmate's**
14 **sentence to determine whether the circumstances warrant the**
15 **inmate's discharge from the custody of the department.**

16 **Sec. 3. The department shall establish a panel separate from the**
17 **parole board to conduct the review.**

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1 **Sec. 4. The panel shall consider all relevant factors in**
 2 **determining whether the inmate is to be discharged under this**
 3 **chapter, with special consideration to be given to an inmate who**
 4 **demonstrates each of the following:**

5 **(1) A good conduct history during confinement.**

6 **(2) Proof that the inmate will have suitable living quarters in**
 7 **a community if the inmate is discharged.**

8 **(3) Proof that one (1) or more employers in the area in which**
 9 **the inmate would reside if discharged have offered to employ**
 10 **the inmate for at least thirty (30) hours a week on the same**
 11 **terms as the employer employs other employees.**

12 **(4) Proof that the inmate:**

13 **(A) is at least a high school graduate; or**

14 **(B) has obtained:**

15 **(i) a general equivalency degree; or**

16 **(ii) a state of Indiana general educational development**
 17 **(GED) diploma.**

18 **Sec. 5. If the panel determines that the inmate:**

19 **(1) has been properly rehabilitated; and**

20 **(2) has suitable plans to carry out if discharged;**

21 **the panel shall discharge the inmate from the custody of the**
 22 **department. However, an inmate who is a sex offender (as defined**
 23 **in IC 11-8-8-4.5) and who is released from confinement under this**
 24 **chapter must be placed on parole for a period not to exceed ten**
 25 **(10) years.**

26 **Sec. 6. The department shall adopt rules under IC 4-22-2 to**
 27 **implement this chapter.**

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